

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RYANT TRIMALE PRATT,
Plaintiff,
v.
B. HEDRICKS, et al.,
Defendants.

Case No. [16-cv-01129-JD](#)

**ORDER DENYING MOTION TO
COMPEL AND GRANTING
EXTENSION**

Re: Dkt. Nos. 20, 22, 24

Plaintiff, a state prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. In this action plaintiff alleges that he was improperly found guilty of committing a battery on another inmate and placed in the Security Housing Unit for 15 months. The Court ordered service and defendants filed a waiver of their right to reply pursuant to 42 U.S.C. 1997e(g). Plaintiff has filed a motion to compel defendants to reply to the complaint and to schedule a conference to determine if his claim has a reasonable opportunity to prevail on the merits. Defendants oppose the motion.

42 U.S.C. 1997e(g) provides that :

(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1983 of this title or any other Federal law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

(2) The court may require any defendant to reply to a complaint brought under this section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits.

While the Court previously found that pursuant to 28 U.S.C. § 1915 the claims were sufficient to proceed, the Court does not find that plaintiff has a reasonable opportunity to prevail

1 on the merits. Defendants' will not be required to reply to the complaint at this time, yet if the
2 case continues after dispositive motions are adjudicated, the Court may require defendants to file
3 an answer. Therefore, plaintiff's motion (Docket Nos. 20, 22) is **DENIED**. As noted in the Order
4 of Service, discovery may be taken in accordance with the Federal Rules of Civil Procedure. No
5 further Court order under Federal Rule of Civil Procedure 30(a)(2) or Local Rule 16 is required
6 before the parties may conduct discovery. Defendants' motion for an extension (Docket No. 24) is
7 **GRANTED**. Defendants have until **May 3, 2017**, to file a dispositive motion.

8 **IT IS SO ORDERED.**

9 Dated: March 1, 2017

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14 JAMES DONATO
15 United States District Judge
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CERTIFICATE OF SERVICE

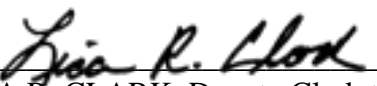
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 1, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ryant Trimale Pratt ID: H06191
P.O. Box 7500
Crescent City, CA 95532

Dated: March 1, 2017

Susan Y. Soong
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO